

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

2020 DEC 30 AM 11:23

CLERK

BY LAW
DEPUTY CLERK

CHRISTINA RAINVILLE,

Plaintiff,

v.

BOXER BLAKE & MOORE PLLC
and BOXER BLAKE MOORE &
SLUKA PLLC,

Defendants.

Case No. 2:20-cv-00051

ENTRY ORDER
RE: *IN CAMERA* DOCUMENT REVIEW

On October 5, 2020, the court ordered Plaintiff Christina Rainville to produce to the court all documents, correspondence, and other information in written or electronic form obtained or derived from her employment with Defendants in her possession, custody, or control. The documents in question were stored on a personal laptop which Plaintiff used for work and other purposes. That same day, the court issued a Protective Order.

On November 4, 2020, Plaintiff provided a thumb drive of the over 12,000 pages of documents to both the court and Defendants. The parties dispute the extent to which Plaintiff is entitled to use certain documents in this litigation and whether Plaintiff violated any employment policy or agreement in their retention.

In a November 18, 2020 letter to the court, Plaintiff identified certain documents which she contends are relevant to the prosecution of her claims against Defendants. With the exception of 1741-42, which Plaintiff has withdrawn, the court agrees that these documents satisfy the liberal relevance standard set forth in Fed. R. Evid. 401. The court is aware of no controlling precedent that would prohibit Plaintiff's use of and reliance on these documents in this lawsuit.

The vast majority of the remaining documents reviewed by the court (many of which are duplicates) pertain to work Plaintiff performed while employed by Defendants. There is no evidence before the court that Plaintiff's retention of these documents was in bad faith. Defendants, however, have a professional responsibility to ensure that documents relevant to Plaintiff's representation of their joint former clients are handled pursuant to a protocol that prohibits their wrongful dissemination and misuse.

To identify and narrow the category of documents that may be destroyed without prejudice to any party or to any attorney-client relationships, the court's *in camera* review has separated the documents into several categories. The court's ability to properly categorize the documents was hampered by the limited factual context in which the *in camera* review took place. Because the court examined all of the documents in Plaintiff's possession, custody, and control without reference to the subject matter, a client list, time frame, or factual or legal issue, it must await further clarification from the parties regarding their proper designation.

I. Potential Attorney Work Product

1-572	3109-24	4469-73	5525-35	5808-54
683-696	3134-3207	4494-4500	5546-51	5859
760-66	3208-17	4503-20	5554-61	5879
904	3218-3312	4523-24	5574-77	5887-88
999-1000	3397	4527-28	5583-86	5892
1104	3399	4531-33	5590-91	5895
1703	3402-25	4537-48	5604	5900
1731-61	3446-57	4994-97	5618	5906-08
1777-85	3481-98	5192-93	5620-21	5911-13
1879-83	3604-23	5195-97	5624-25	5914-18
1887-1909	3662-3703	5269-72	5630-34	6032-57
1924	3704-11	5274-83	5642-65	6065-66
1929	3728-35	5286-90	5670-72	6075-78
2758-2815	3984	5292-95	5677-81	6082-91
2824	4121-84	5302-07	5712-40	6091-6100
2826	4217-21	5400-04	5759-66	6104-36
2839-40	4223-27	5405-61	5768-72	6137-42
2986-3019	4230-65	5462-69	5777-78	6147-48
3020-37	4274-4383	5470-75	5783	6163-66
3040-50	4384-4403	5483-5519	5794	6171

6211-16	7694-7700	8771-76	9340	10237-42
6221	7702-09	8792	9378-81	10244-51
6257	7721-59	8795-8800	9385-94	10256-57
6257	7761-82	8802-04	9400-02	10269
6263-66	7784-47	8806	9404-13	10275-76
6267-86	7848-61	8829-32	9414-15	10282-88
6309-6645	7863-64	8840-41	9417-19	10373
6648	7880	8860	9424-33	10376-88
7108-13	7883	8862	9439-43	10948-50
7115-20	7885	8864-65	9834-40	10972-99
7122-47	7890-91	8867	9844	10992-
7152-64	7894	8883	9845	11011
7167-70	7906-07	8887	9851-58	11013-36
7233-38	7928-34	8893	9862-66	11041-71
7240-45	8005-06	8897	9868-71	11084-94
7248	8034-76	8901	9873-75	11127-28
7252	8080-81	8905	9877-78	11130-45
7298-7306	8102-06	8910-24	9885	11146-73
7331-35	8158-87	8934-38	9908	11609
7371-75	8194-8200	8941-42	9910-11	11613-62
7399-7400	8207-10	8954	9957-60	11668-738
7402	8216-18	8956	9963	11778
7411	8223-25	8961-62	9976-86	11786-87
7415-23	8226	8964	9988-94	11790
7426-31	8229-54	9095-98	9996-10001	11793
7489-94	8266-73	9100	10004-11	11808-13
7498-99	8281-83	9113-60	10023	11815-19
7501-03	8586	9168-69	10027	11826-29
7507-12	8589-97	9173	10035-36	11842
7517	8601-05	9182-84	10040-42	11845-53
7520-21	8619-24	9187	10049-53	11859-61
7526-28	8635-37	9191-92	10058-59	11864-65
7541-47	8640-45	9194-9200	10063-64	11872
7566-69	8661	9202-05	10069	11942-44
7571	8663-79	9207-33	10130-32	11946-57
7599-7600	8681	9234-36	10141-43	11962-64
7603	8684-88	9237-47	10146-68	11966-70
7641-42	8691	9252-53	10170	11998
7643-47	8694-98	9270-73	10172-78	12005
7655	8702	9274-77	10197-98	12007
7665-83	8752-53	9288-96	10201-02	12008
7685	8754-57	9311	10218	12018-19
7686-92	8763-64	9318	10230-35	12032

12071-72	12077	12410-19	12441-47	12570-71
12075	12079-80	12470-75	12512-26	12591-603

II. Potential Attorney-Client

1353-59	4499-4500	6263-66	9274-75
1361-72	5399	7064	9896
1509-14	5767	7209-30	9973-75
1516-18	5571	8102-06	10019
1519-42	5574-77	8793-94	11072-83
2343-44	5891	8957	11127-28
3462-71	5900	9095-98	11829
3473-76	5906-08	9100	12356
4475	5911-13	9234-36	12570-71
4477	5914-18	9237-47	
4266	5965	9254	

III. Fully or Partially Redacted/No Review Possible

279-699	5618	6659-60	8764
946	5632-33	6671	8889-90
1099	5752-55	6760	9278-87
1303-1604	5782	7036	9248-51
1831-67	5784	7048	9268-69
3314-96	5787	7087-89	9867
4006-79	5789	7097-98	9872
4410-34	5860-61	7207	9876
4449-64	5870-71	7307	9879
213-66	5889-90	7338	9886
5284-85	5893-94	7424	9957-60
5554	5899	7500	9963
5603	5909-10	7512	10318-29
5609-17	6311	7615	12347-55

IV. Illegible in Whole or in Part

4273	6312	7533-40	7618-28
6310	6653	7550-64	
6311	7504-06	7573-98	

V. Personal, Practice Development, and Interoffice Emails

576-74	598	609	703
577-83	600	611	709
591	601-02	619-13	711
585	603-06	682-78	712
595	607	702	713-52

758-53	945	1098	1305-07
767	947	1101-03	1309-51
768	960-57	1105-08	1360
771	997	1109-10	1377-84
774-72	998	1111	1387-89
788-75	1067-52	1294-96	1390-1418
826-25	1068	1297-1300	1423-30
938	1069-96	1301-03	


With regard to any document that is not categorized above, the court determined that it was not relevant to this lawsuit, did not constitute attorney work product, and did not appear to implicate an attorney-client relationship.

ORDER

The court hereby ORDERS Plaintiff within twenty (20) days of this Entry Order to designate any further documents she wishes to retain for purposes of this lawsuit. The court hereby ORDERS Defendants within fourteen (14) days thereafter to object to Plaintiff's designations and to propose a protocol whereby the remaining documents are either retained or destroyed.

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 30th day of December, 2020.



Christina Reiss, District Judge
United States District Court